

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:16-CR-139 JCM (VCF)

**Plaintiff(s),**

## ORDER

V.

ISIAH CATRELL BROWN,

**Defendant(s).**

Presently before the court is the matter of *United States of America v. Brown*, case no. 2:16-cr-00139-JCM-VCF. Assistant Federal Public Defender Amy Cleary, on behalf of defendant Isiah Catrell Brown, filed a protective motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. (ECF No. 41). Ms. Cleary filed the instant motion “given the impending statute of limitations deadline under 28 U.S.C. § 2255(f)(3).” *Id.* at 2.

Ms. Cleary indicates that she has been unable to communicate with defendant regarding a possible § 2255 motion pursuant to the Supreme Court’s decision in *Rehaif v. United States*, 139 S. Ct. 2191 (2019). *Id.* In particular, Ms. Cleary indicates that Bureau of Prisons staff at Beaumont Medium FCI “failed to facilitate a previously scheduled legal call” between Ms. Cleary and defendant in May 2020, “and have repeatedly failed to respond to [her] requests that the legal call be rescheduled.” *Id.* Thus, Ms. Cleary requests that the court hold the instant motion in abeyance until she can communicate with her client.

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The court finds the request appropriate and orders Ms. Cleary to file a status report on or before August 1, 2020, regarding her ability to contact defendant. If Ms. Cleary is able to communicate with defendant and he opts to pursue a § 2255 motion, Ms. Cleary shall file the appropriate motion in lieu of a status report.

Accordingly,

IT IS SO ORDERED.

DATED June 24, 2020.

**UNITED STATES DISTRICT JUDGE**